

Message Text

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ACTION EB-08

INFO OCT-01 STRE-00 AGRE-00 CEA-01 CIAE-00 COME-00
DODE-00 FRB-03 H-01 INR-07 INT-05 L-03 LAB-04
NSAE-00 NSC-05 PA-01 AID-05 SS-15 STR-04 ITC-01
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P R 231625Z MAR 77
FM USDEL MTN GENEVA
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INFO AMEMBASSY TOKYO

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PASS AGRICULTURE AND STR ELECTRONICALLY

H PASS CODEL

E.O. 11652: N/A
TAGS: ETRD, MTN, EAGR, JA
SUBJ: U.S. AGRICULTURAL CONSULTATIONS WITH JAPAN

REF: 76 MTN GENEVA 8903

1. SUMMARY. ON MARCH 15, MTN DEL HELD CONSULTATIONS WITH JAPANESE MTN DEL ON JAPAN'S TARIFF NOTIFICATION AGAINST THE U.S. (REFTEL) AND ON U.S. NTM NOTIFICATION AGAINST JAPAN UNDER "OTHER PRODUCTS" PROCEDURES OF GROUP AGRICULTURE. CONSULTATIONS WERE ESSENTIALLY A CLARIFICATION EXERCISE OF RESPECTIVE NOTIFICATIONS AS JAPANESE REFUSED TO BE DRAWN INTO A DISCUSSION ON BROADER MTN AGRICULTURAL ISSUES AND ON PROSPECTS OF LIBERALIZING THEIR REMAINING NTM'S. JAPANESE DEL STATED THAT THE RESIDUAL QR'S RELATED TO THE MOST SENSITIVE PRODUCTS FROM

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A SOCIAL, ECONOMIC AND POLITICAL VIEWPOINT AND IMPLIED THAT JAPAN HAD DONE ABOUT AS MUCH AS IT COULD IN EVEN LIMITING QR'S TO THESE REMAINING PRODUCTS. END SUMMARY.

2. JAPANESE DEL (YOSHIKUNI ET AL) AGREED WITH U.S. DEL (KOENIG ET AL) THAT PURPOSE OF CONSULTATION WAS TO EX-CHANGE INFORMATION ON PRODUCTS OF TRADE INTEREST TO EACH

OTHER, RECOGNIZING THAT NOTIFICATIONS WERE NOT NECESSARILY EXHAUSTIVE NOR INDICATIVE OF REQUESTS. JAPANESE DEL AGREED TO POSSIBILITY OF FURTHER CONSULTATIONS AND TO POSTPONEMENT OF REPORTING THE RESULTS OF THE CONSULTATIONS UNTIL SUCH TIME THAT GOJ HAD FOCUSED ON THIS QUESTION. THE DISCUSSION ON REPORTING CLEARLY INDICATED JAPAN'S PREFERENCE FOR SUBMITTING UNILATERAL REPORTS. U.S. DEL STATED ITS PREFERENCE FOR JOINT REPORTS AND REMINDED JAPANESE DEL THAT CONSULTATIONS WERE BEING HELD WITHOUT PREJUDICE TO THE FORUM OR FORA IN WHICH ISSUES UNDER DISCUSSION MAY EVENTUALLY BE NOGOTIATED AND WITHOUT PREJUDICE TO AN AGREED DEFINITION OF WHAT CONSTITUTES AGRICULTURE. MR. HIROFUMI UENO, WHO IS TO REPLACE MR. YOSHIKUNI AS HEAD OF THE JAPANESE MTN AGRICULTURAL DELEGATION AT THE END OF THIS MONTH, WAS ALSO PRESENT.

3. JAPANESE NOTIFICATION AGAINST THE U.S.: JAPANESE DEL QUESTIONED WHY THE U.S. MAINTAINED SUCH A HIGH TARIFF (35 PERCENT) ON CANNED TUNA IN OIL; WHY THERE IS SUCH A LARGE DISPARITY BETWEEN THIS DUTY AND THE DUTY ON CANNED TUNA PACKED IN WATER (TSUS 112.30, 6 PERCENT WITHIN QUOTA), AND WHETHER THE DUTY IS FOR PROTECTION OF DOMESTIC FISHERMEN OR PROCESSORS, OR BOTH. U.S. DEL POINTED OUT THAT CORRECT TSUS NUMBER FOR CANNED TUNA IN OIL IS 112.90 AND NOT 112.94; THAT THE DIFFERENCE IN DUTIES IS EXPLAINED IN PART BY THE FACT THAT CANNED TUNA IN OIL WAS NOT NEGOTIATED DURING THE KENNEDY ROUND; THAT THE DUTY PROBABLY SERVED TO PROTECT BOTH PRODUCERS AND PROCESSORS, MANY OF WHOM ARE LOCATED IN PUERTO RICO AND OTHER OFFSHORE LIMITED OFFICIAL USE

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AREAS WHERE TUNA CANNING PROVIDED MAJOR EMPLOYMENT OPPORTUNITY, BUT THAT THE U.S. WAS PREPARED TO DEAL WITH TARIFF MATTERS OF INTEREST TO JAPAN UNDER THE PROCEDURES THAT WILL BE ESTABLISHED BY THE MTN TARIFF GROUP. THE JAPANESE DEL REQUESTED WRITTEN CONFIRMATION OF THE RATIONALE BEHIND THE PROTECTIVE TARIFF AND HINTED THAT JAPAN MIGHT BE WILLING TO EXAMINE INDIVIDUAL ITEMS WITHIN BTN 1-24 FOR POSSIBLE INCLUSION IN TARIFF FORMULA.

4. U.S. NOTIFICATION AGAINST JAPAN: U.S. DEL STATED THAT ITS NOTIFICATION WAS INDICATIVE OF ITS TRADE INTERESTS IN CERTAIN PRODUCTS AND HOPED THAT THE RESIDUAL RESTRICTIONS ON MOST OF THESE ITEMS COULD BE LIBERALIZED EVEN APART FROM THE MTN. JAPANESE DEL REPLIED THAT THE SIZE OF ITS AGRICULTURAL IMPORTS FROM THE U.S. REFLECTS NOT ONLY EFFORTS BY U.S. EXPORTERS BUT ALSO EFFORTS BY JAPAN TO MODIFY ITS AGRICULTURE TO CONCENTRATE ON THE MOST EFFICIENT AREAS. JAPAN HAS ALREADY LIBERALIZED MANY OF ITS QR'S AND ONLY 22 REMAIN ON THE MOST IMPORTANT

PRODUCTS. THESE REMAINING RESTRICTIONS WOULD BE MOST DIFFICULT TO REMOVE BECAUSE OF SOCIAL, ECONOMIC AND POLITICAL PRESSURES FOR RETENTION. JAPAN STRESSED THE DISCUSSIONS ON PORK AND MEAT PRODUCTS WERE WITHOUT PRE-JUDICE TO THE EVENTUAL DECISION BY THE MEAN SUBGROUP ON PRODUCT COVERAGE AND THAT INFORMATION PROVIDED ON QUOTAS SHOULD BE TREATED AS CONFIDENTIAL. JAPANESE DEL EX-PLAINED THAT QUOTA AMOUNTS ARE KEPT CONFIDENTIAL, BUT THAT, IN FACT, "LEAKS" OFTEN OCCUR SO THAT THE FACT THE QUOTA SIZE IS UNPUBLISHED DOES NOT CONSTITUTE AN UNCERTAINTY FOR JAPANESE IMPORTERS.

5. ON SPECIFIC PRODUCTS NOTIFIED, THE FOLLOWING POINTS WERE MADE:

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CIAE-00 COME-00 DODE-00 FRB-03 H-01 INR-07 INT-05
L-03 LAB-04 NSAE-00 NSC-05 PA-01 AID-05 SS-15
STR-04 ITC-01 TRSE-00 USIA-06 PRS-01 SP-02
FEAE-00 OMB-01 AF-08 ARA-06 EA-07 EUR-12 NEA-10
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PASS AGRICULTURE AND STR ELECTRONICALLY

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(A) PORT (BTN 02.01): JAPANESE DEL STATED THAT THE "TEMPORARY" VARIABLE LEVY OR SYSTEM OF DIFFERENTIAL DUTIES IS CLOSELY LINKED WITH THE DOMESTIC PRICE STABILIZATION SYSTEM FOR PIGMEAT, IS "TEMPORARY" ONLY IN THE SENSE THAT IT MUST BE RENEWED BY PARLIAMENT EACH YEAR, IS VERY UNLIKELY TO BE REPLACED IN THE FORESEEABLE FUTURE, AND IS ALLEGEDLY CONSISTENT WITH JAPAN'S GATT

OBLIGATIONS JHCCOUT, HOWEVER, SPECIFYING HOW). THE JAPNWB DEL THEN EXPLAINED THE IMPORT SYSTEM ON CARCASS PORK (02.01.21) AS FOLLOWS: THE DUTY APPLIED TO IMPORTS IS THE HIGHER OF 10 PERCENT AD VALOREM OR THE STANDARD IMPORT PRICE DIVIDED BY 1.1 MINUS THE C.I.F. PRICE. IF THE C.I.F. PRICE IS ABOVE THE STANDARD IMPORT PRICE DIVIDED BY 1.1, THE 10 PERCENT AD VALOREM RATE IS APPLICABLE BUT MAY BE SUSPENDED IF ABOVE CEILING PRICE. IF THE C.I.F. PRICE IS BETWEEN THE STANDARD IMPORT PRICE LIMITED OFFICIAL USE

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DIVIDED BY 1.1 AND THE FLOOR PRICE, THE DIFFERENCE IS LEVIED. IMPORTS BELOW THE FLOOR PRICE ARE NOT PERMITTED. (NOTE: THE STANDARD IMPORT PRICE IS THE MID POINT BETWEEN THE INTERNAL FLOOR PRICE (MINIMUM WHOLESALE PRICE) AND THE INTERNAL CEILING PRICE (MAXIMUM WHOLESALE PRICE) ESTABLISHED ANNUALLY UNDER THE PRICE STABILIZATION SCHEME. THE CURRENT FLOOR AND CEILING PRICES ARE 601 AND 740 YEN/KG, RESPECTIVELY.)

B. PULSES (BTN 07.05): JAPANESE DEL STATED THAT U.S. INFORMATION ON QUOTAS IS CORRECT EXCEPT THAT THE QUOTA ALSO COVERS SMALL RED BEANS OTHER THAN FOR SEED (EX 07.05.01). QUOTAS MAINTAINED BECAUSE OF CROP ROTATIONAL NEEDS IN UPLAND REGIONS OF HOKAIDO WHERE THERE ARE NO ALTERNATIVES AND BECAUSE IT IS THE ONLY MEANS TO PROTECT PRODUCTION WHICH IS DECLINING IN THE FACE OF GREAT VARIETY OF COMPETITIVE PULSES NOT SUBJECT TO QUOTA.

(C) ORANGES (BTN 08.02): THE JAPANESE DEL CONFIRMED THE QUOTAS ON ORANGES AND TANGERINES. PRODUCTION OF MIKAN (MANDARIN) VARIETY IS EXPANDING AND IS A KEY SECTOR OF THE AGRICULTURAL ECONOMY. THERE ARE 342,000 FARMS INVOLVED IN PRODUCTION AND THERE IS CURRENTLY A SURPLUS. THE GOJ INITIATED PRODUCTION CONSTRAINTS THROUGH INCENTIVES TO REPLANT 25,000 HECTARES OF ORCHARDS WITHIN THE NEXT THREE YEARS. THE JAPANESE DEL STATED THAT THE EFFECTS OF THIS WOULD BE A TEMPORARY DECREASE IN PRODUCTION IN ORDER TO BUY TIME FOR DEMAND TO CATCH UP WITH PRODUCTION. THE DEVELOPMENT OF JAPAN'S DOMESTIC JUICE MARKET, ACCORDING TO JAPANESE DEL, IS PROBABLY THE MOST LIKELY SOLUTION TO THE MIKAN SURPLUS.

(D) WALNUTS (BTN 08.05): JAPANESE DEL EXPLAINED THAT THE BILATERAL AGREEMENT BETWEEN JAPAN AND CHINA IS NOT A PREFERENTIAL AGREEMENT BUT IS DESIGNED TO LIMIT CHINESE EXPORTS OF WALNUTS. THERE IS NO COMMITMENT ON THE PART LIMITED OFFICIAL USE

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OF JAPAN TO BUY A GUARANTEED AMOUNT FROM CHINA. WITHOUT THIS INFORMAL AGREEMENT THE ENTIRE MARKET WOULD BE SUPPLIED BY CHINA. THE ONLY RESTRICTION ON U.S. WALNUTS IS THE TARIFF AND THE PLANT QUARANTINE LAW. IMPORTS OF WALNUT IN SHELL ARE PROHIBITED BECAUSE OF THE PRESENCE OF CODLING MOTH.

(E) CEREAL GROATS AND MEAL (BTN 11.02): JAPANESE DEL EXPLAINED THAT QR'S ON THESE PRODUCTS ARE NECESSARY IN ORDER TO CARRY OUT EFFECTIVE STATE TRADING OF WHEAT, BARELY AND RICE. THE FOOD AGENCY DETERMINES THE TOTAL QUANTITY OF GRAINS TO BE IMPORTED IN FORM OF GRAIN AND GRAIN PRODUCTS. AT PRESENT, THERE IS A ZERO QUOTA ON GROATS AND MEAL, I.E., THERE IS A COMPLETE EMBARGO.

(F) CORNSTARCH (BTN 11.08): JAPAN LIMITS IMPORTS OF STARCHES TO PROTECT THE DOMESTIC POTATO STARCH INDUSTRY AND TO PREVENT IMPORTS FROM DISTURBING THE PRICE STABILIZATION SCHEME FOR SWEET AND ORDINARY POTATOES. THE QUOTA IS APPLIED TO ALL STARCHES AND IS NOT ALLOCATED AMONG INDIVIDUAL STARCHES. HOWEVER, THE QUOTA IS ESTABLISHED ACCORDING TO USES WITH AN ADDITIONAL BASKET QUOTA FOR WHICH THERE IS NO USE REQUIREMENT. THERE IS NO DISCRIMINATION AMONG SUPPLIERS AND THERE IS NO TENDER SYSTEM. THE JAPANESE DEL PROVIDED NO INFORMATION ON ACTUAL QUOTA LEVELS.

(G) PEANUTS (BTN 12.01): THE PEANUT QUOTA OF 62,200 METRIC TONS IN FISCAL 1975 COVERS UNROASTED PEANUTS EXCLUDING THOSE INTENDED FOR OIL EXTRACTION AND ROASTED PEANUTS. THE QUOTA IS DIVIDED BWTWEEN SMALL PEANUTS (37,600 TONS) AND LARGE PEANUTS (24,600 TONS) BECAUSE THE LATTER ARE MORE COMPETITIVE WITH DOMESTIC PEANUTS. THE SPECIAL QUOTA FOR "FRIENDLY FIRMS" (I.E., TRADING COMPANIES LICENSED BY THE GOJ FOR TRADE WITH CHINA) IS LIMITED OFFICIAL USE

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DESIGNED TO PERMIT COUNTRIES OTHER THAN CHINA TO EXPORT PEANUTS TO JAPAN AND, ACCORDING TO JAPANESE DEL, IS A METHOD OF GUARANTEEING THE U.S. A SHARE OF THE MARKET. THE U.S. DEL REPLIED THAT THE U.S. BELIEVES ITS PRODUCT TO BE COMPETITIVE WITH THE CHINESE PRODUCT AND WOULD LIKE TO SEE THE SO-CALLED GUARANTEE REMOVED.

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COME-00 DODE-00 FRB-03 H-01 INR-07 INT-05 L-03
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PASS AGRICULTURE AND STR ELECTRONICALLY

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(H) PROCESSED MEATS (BTN 16.02): THE JAPANESE DEL STATED THAT THE QUOTA IS NECESSARY BECAUSE OF GOVERNMENT CONTROL OF BEEF AND PORK AND TO ENSURE DOMESTIC PROCESSORS OF REMAINING COMPETITIVE WITH IMPORTS BY OFFSETTING HIGHER PRICED RAW MATERAILS.

(I) SUGAR PRODUCTS OTHER THAN CANE AND BEET SUGAR: ACCORDING TO THE JAPANESE DEL ALL PRODUCTS IN BTN 17.02 ARE SUBJECT TO QUOTA EXCEPT MILK SUGAR (LACTOSE) CONTAINING 90 PERCENT OR MORE BY WEIGHT OF SUGAR (TO PREVENT INTERFERENCE WITH DOMESTIC DAIRY PROGRAMS). QUOTAS ARE NECESSARY TO PROVIDE ADEQUATE PROTECTION TO DOMESTIC BEET AND CANE PRODUCERS.

(J) CANNED PINEAPPLE (BTN 20.06): U.S. DEL ASKED HOW JAPAN ESTABLISHES THE QUOTAS AND WHY IMPORTS WERE CUT

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OFF IN 1974/75. THE JAPANESE DEL REPLIED THAT THE GO FORECASTS DOMESTIC SUPPLY AND DEMAND LEVELS AND THE

QUOTA IS EQUAL TO THE CALCULATED RESULTANT DEFICIT. IN 1974/75, SUPPLIES WERE IN SURPLUS AND THEREFORE THE QUOTA WAS SET AT ZERO. PINEAPPLE IS PRODUCED MAINLY IN OKINAWA AND IS REALLY SUITABLE ONLY FOR CANNING.

(K) FRUIT JUICES (BTN 20.07): THE FISCAL 1975 QUOTA SITUATION FOR JUICES WAS AS FOLLOWS:

(I) A GENERAL QUOTA FOR CONCENTRATE ORANGE JUICE OF 1,000 METRIC TONS (IN TERMS OF 1:5 CONCENTRATE TO SINGLE STRENGTH). OF THIS QUOTA 350 TONS IS ALLOCATED TO A SPECIFIC FIRM, THE COOPERATIVE FRUIT JUICE COMPANY, FOR BLENDING (A RESULT OF COOPERATION BETWEEN JAPANESE AND AMERICAN CITRUS INTERESTS). IMPORTS OF SINGLE STRENGTH JUICE ARE PERMITTED UNDER THIS QUOTA. THE JAPANESE DEL STATED THAT IF THE 350 TON ALLOCATION WAS REMOVED THE ENTIRE MARKET WOULD BE TAKEN UP BY LOWER PRICED ORANGE JUICE FROM BRAZIL.

(II) A 1,100 TON QUOTA (IN TERMS OF 1/5TH CONCENTRATE) FOR APPLE JUICE.

(III) A 1,500 TON QUOTA (IN TERMS OF 1/5TH CONCENTRATE) FOR GRAPE JUICE.

(IV) A BASKET QUOTA OF 1,380 TONS (SINGLE STRENGTH) FOR ALL JUICES OTHER THAN ORANGE, PINEAPPLE AND LEMON.

(V) A "HOTEL" QUOTA OF 620 TONS (SINGLE STRENGTH) OF WHICH 500 TONS IS ORANGE AND PINEAPPLE AND 120 TONS IS GRAPE AND GRAPEFRUIT.

(VI) THERE IS NO QUOTA ON LEMON JUICE.

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THE QUOTAS ARE ESSENTIAL FOR PROTECTION OF THE FLEDGLING FRUIT JUICE INDUSTRY (MIKAN IN SURPLUS). JUICE IS AN IMPORTANT OUTLET FOR REGULATING SUPPLY AND DEMAND AND WILL BECOME EVEN MORE IMPORTANT IN THE FUTURE AS DEMAND FOR FRESH FRUIT IS EXPECTED TO LEVEL OFF. FURTHERMORE, JAPAN PRODUCES PRACTICALLY ALL TYPES OF FRUIT.

(L) TOMATO JUICE (BTN 20.07), TOMATO KETCHUP AND SAUCE (BTN 21.04): THE JAPANESE DEL EXPLAINED THAT SINCE JAPAN LIBERALIZED TOMATO PUREE AND PASTE, THE ONLY OUTLETS FOR DOMESTIC TOMATOES FOR PROCESSING ARE IN TOMATO JUICE, KETCHUP AND SAUCE, AND THIS IS REASON QUOTAS ARE MAINTAINED. IN FISCAL 1975, THE QUOTA ON TOMATO JUICE WAS 2,823 KILOLITERS, ON KETCHUP 961 TONS, AND

ON TOMATO SAUCE 490 KILOLITERS. THESE ARE GLOBAL QUOTAS.

(M) CANNED CORN (BTN 21.07): THE JAPANESE DEL NOTED THAT THIS ITEM WAS LIBERALIZED IN 1971.

(N) WINE (BTN 22.05): THE JAPANESE DEL TOOK NOTE OF THE U.S. STATEMENT CONCERNING HIGH DUTIES AND EXCISE TAXES ON WINE, AND STATED THAT THE EXCISE TAX IS APPLIED IN THE SAME MANNER AND AT THE SAME RATE TO BOTH DOMESTIC AND IMPORTED PRODUCTS AND THEREFORE DOES NOT DISCRIMINATE AGAINST IMPORTED WINES. HE ALSO OBSERVED THAT THE U.S. IMPORT SHARE OF THE JAPANESE MARKET HAS INCREASED SIGNIFICANTLY OVER PAST FIVE YEARS AND CONCLUDED THAT THE EXCISE TAXES DO NOT CONSTITUTE ANY TRADE BARRIER TO THE DEVELOPMENT OF A MARKET FOR U.S. WINES. THE EXCISE TAX VARIES ACCORDING TO THE WHOLESALE PRICE. IF THE PRICE IS 770 YEN/LITER OR MORE, A 50 PERCENT AD VALOREM TAX IS APPLIED. IF THE PRICE IS LESS THAN 770 YEN/LITER, A SPECIFIC TAX OF 29.30 YEN PER LITER IS APPLIED. IF THE PRICE IS LESS THAN 450 YEN/LITER, A SPECIFIC TAX OF 24 YEN/LITER IS APPLIED. THE JAPANESE DEL POINTED OUT THAT THE AVERAGE UNIT VALUE OF U.S. WINE IN 1975 WAS LIMITED OFFICIAL USE

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432 YEN PER LITER. THUS, WHEN THE 320 YEN PER LITER CUSTOMS DUTY IS ADDED, THE TOTAL TAX BASE IS ONLY 752 YEN PER LITER, AND THEREFORE SUBJECT TO AN EXCISE TAX OF 29.30 YEN PER LITER. CULBERT

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